

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRISTOPHER DALE BANKS,)

Plaintiff,)

V.

**ALABAMA DEPARTMENT OF)
CORRECTIONS, et al.,)**

Defendant.)

CASE NO.:

2:15-cv-518-VEH-JEO

MEMORANDUM OPINION

In accordance with the usual practices of this court, and 28 U.S.C. § 636(b)(1), this matter was referred to a magistrate for a preliminary report and recommendation. On November 10, 2015, the magistrate recommended “that the complaint be **DISMISSED** without prejudice [pursuant to 28 U.S.C. § 1915A(b)(1)] for failing to state a claim upon which relief may be granted.” (Doc. 12 at 7) (bold in original). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that the plaintiff has failed to state a claim upon which relief may be granted, and that this action is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DONE this the 2nd day of December, 2015.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge